

United States Bankruptcy Court  
District of North Dakota

In re:  
Red River Subs, Inc.  
Debtor

Case No. 24-30010-skH  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0868-3  
Date Rcvd: Feb 08, 2024

User: admin  
Form ID: pdf2some

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 10, 2024:

Recip ID	Recipient Name and Address
db	+ Red River Subs, Inc., 300 Broadway N., Fargo, ND 58102-4709

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 10, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 8, 2024 at the address(es) listed below:

Name	Email Address
Alexander S. Kelsch	on behalf of Creditor 931 on 9th LLC alexk@kelschlaw.com, aruff@kelschlaw.com
Caren W. Stanley	on behalf of Interested Party DFI 300 Broadway LLC cstanley@vogellaw.com, jnona@vogellaw.com;sthompson@vogellaw.com;kjohnson@vogellaw.com
John M Krings, Jr.	on behalf of Creditor E&G Franchise Systems Inc. john@kaler-doeling.com janae@kaler-doeling.com
Maurice VerStandig	on behalf of Debtor Red River Subs Inc. mac@mbvesq.com, mac@dakotabankruptcy.com;verstandig.mauricer104982@notify.bestcase.com;verstandiglaw@recap.email
Robert B. Raschke	USTPRegion12.SX.ECF@usdoj.gov

District/off: 0868-3

User: admin

Page 2 of 2

Date Rcvd: Feb 08, 2024

Form ID: pdf2some

Total Noticed: 1

Sarah J. Wencil

on behalf of U.S. Trustee Robert B. Raschke sarah.j.wencil@usdoj.gov

Thomas Kapusta

tkapusta@aol.com

TOTAL: 7

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In Re:

Bankruptcy No. 24-30010  
Chapter 11 – Subchapter V

Red River Subs, Inc.,  
dba Erbert and Gerbert's – Fargo,  
dba Erbert and Gerbert's – Bismarck,  
dba Erbert and Gerbert's – Moorhead,

Debtor.

\_\_\_\_\_ /

**ORDER GRANTING MOTION TO REJECT LEASE AGREEMENT  
BY AND BETWEEN RED RIVER SUBS, INC. AND 931 ON 9<sup>TH</sup> LLC**

Debtor Red River Subs, Inc. filed a Motion to Reject Office Lease Agreement by and Between Red River Subs, Inc. and 931 on 9<sup>th</sup> LLC. Doc. 6. In its motion, Debtor seeks Court authority to reject a commercial lease agreement.

The Court held a preliminary hearing on the motion on January 19, 2024. Although none of the interested parties who appeared at the preliminary hearing objected to the motion, the Court declined to grant the relief Debtor seeks until Debtor provided notice to all interested parties.

Debtor served 931 On 9<sup>th</sup>, LLC, and E & G Franchise System, Inc. with notice of the motion and the motion. Doc. 16. The Court received no objections.

Based on the motion and evidence received at the hearing, the Court finds cause for granting the relief Debtor seeks. Specifically, the Court found no evidence of bad faith and received no evidence suggesting Debtor's decision was manifestly unreasonable. To the contrary, the Court finds Debtor exercised sound business judgment and demonstrated benefit to the estate by rejecting the lease.

Therefore,

**IT IS ORDERED** that Debtor's Motion to Reject Lease Agreement by and Between Red River Subs, Inc. and 931 on 9<sup>th</sup> LLC is granted. Given Debtor's timely

notice of its intent to reject the lease and its efforts to promptly remove its property and vacate the leased premises, the Court finds it appropriate to order that the rejection is effective as of January 14, 2024, the date Debtor filed its motion.

The hearing scheduled for February 9, 2024, is cancelled.

Dated: February 8, 2024.

A handwritten signature in black ink, reading "Shon Hastings". The signature is written in a cursive, flowing style.

SHON HASTINGS, JUDGE  
UNITED STATES BANKRUPTCY COURT